

Declarations of Field Technicians

William Bachanas	1
Brett Belanger	4
Donald A. Coccia.....	7
Roger Collins	9
Ryan Driessler.....	13
Michael Edinger.....	17
Heath Elwell.....	20
John Gaston.....	22
Steve Graham.....	25
Travis Gaffney	28
Anthony Gomez	31
David Grant.....	35
Don Hart.....	39
Jason Healy	43
Daniel Johnson.....	46
Chris Korbel.....	49
Todd Lafex	53
Trevor Lempicki	57
Andrew Lyman	60
Michael Merkley.....	64
Thomas Quinn.....	68
Leo Roman.....	71
Aric Ryan.....	73
Ramos Sanders.....	76
Chris Scott.....	78
Gregory Thomas	81
Mateo Vazquez	84
Joe Villa	88
Scott Wampler	92
Demetrious White	95
Jeremy Wilson	99

DECLARATION OF WILLIAM BACHANAS

I, William Bachanas, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have worked for Time Warner Cable as a Field Technician for approximately one year and four months.

3.

All of my supervisors during my employment have stressed to me and my fellow Field Technicians that we need to be on the clock any time we are performing work for the Company. They have never pressured me or instructed me to do any sort of work off the clock, including checking emails.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. Throughout my employment, the Company has provided me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

I voluntarily participate in a program where I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I choose to take the van because it is more convenient for me to go directly from my house to the first customer location rather than have to drive into the office each day.

6.

On Wednesday, we have a meeting day at the facility. On meeting days, in addition to participating in a meeting, I will also restock and clean my van.

7.

Until approximately 6-8 months ago, I used a Company-supplied laptop. Presently, I use a Company-supplied iPad. I use those devices to access various programs for my job, including WorkAssure, a program that provides me with the work orders I am assigned throughout the workday.

8.

On work days, I will open up WorkAssure at my house for the sole purpose of finding out where my first job of the day is. This is something my supervisors have stressed to me – that the only thing we should be doing at home prior to our shifts is to use the program to find out where we need to go. Once I find out where my first job is, I will finish my preparations to leave for the day. When I was using the laptop, it only five minutes or less to load up WorkAssure and find out where my first job is. Now that I am using the iPad, it takes even less time – a couple minutes at most – to find out about my first job.

9.

On average, I leave my house about 20 minutes before my shift. If I am still driving to the customer location at the start of my shift, I will pull over and clock in and then finish my drive.

10.

Other than determining my first job in WorkAssure, I don't spend any additional time prior to my shift analyzing my assigned jobs or taking an "inventory" of my van to make sure I have the equipment I need for the jobs. As a general matter, I make sure, during my shift, that I have all the equipment I need to perform my jobs, and because I'm working in my van throughout the day, I always have a good idea of my equipment levels. If I find that I don't have the equipment I need to finish a work order, whether it's my first job or sometime later in the day, I would simply call a lead or supervisor and ask them to make arrangements to get me the necessary equipment.

11.

I check the Company van each morning at home before I drive it simply to make sure it is safe to drive. This involves very basic things like making sure the windows are de-iced and defrosted. This is a common-sense thing to do since I obviously do not want to drive a vehicle when it is not safe to do so.

12.

At the end of the day after I have driven home and parked the van, I will take out my iPad, signal meter and cell phone. During the winter months, I will also take out a few tools that have batteries. I can take all of these items in with me from my van in a single trip.

13.

My Company van is equipped with a power adapter that allows me to charge my equipment throughout the day.


14.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 27th day of January, 2016 at Middletown, New York.

A handwritten signature in black ink, appearing to read "William Bachanas", written over a horizontal line.

WILLIAM BACHANAS

DECLARATION OF BRETT BELANGER

I, Brett Belanger, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have worked as a Field Technician in Rochester, NY, for Time Warner Cable for almost 10 years.

3.

My supervisor, Dan Zimmer, has routinely stressed to me and other Field Technicians on my team that we should not perform any work when we are not clocked in. I have never been asked to work off the clock.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

I voluntarily participated in a program where I was allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. Then, each morning, on days when I did not first go to the office, I would drive directly from my home to the customer location where my first job was assigned. I chose to take the Company van home with me because it saves wear and tear on my own vehicle and gas money. I also like driving the Company van home because it saves me a lot of time as I don't have to drive into the office first.

6.

I have worked the 8-4:30 shift for approximately two years. Prior to that, I worked from 7:30 a.m. to 4:00 p.m.

7.

My team has a meeting day for two hours on Wednesday each week. In addition to having a meeting on that day, technicians will also stock equipment in their vans, perform safety inspections, and clean our vans. All of this time is on the clock.

8.

For about the last 6 months, the Company has provided me with an iPad to perform my job. Prior to that, the Company provided me with a laptop. Both the iPad and the laptop had a program called WorkAssure installed on it. WorkAssure provides me with information regarding the work orders to which I am assigned throughout the day.

9.

Each morning I will log into WorkAssure on my iPad (previously, on my laptop) so that I can determine where my first job of the day is. I don't look at anything else at that time. The only thing I am doing is looking to see where my first job of the day is. In fact, my supervisor has stressed to me and my team members that we shouldn't be doing anything else on the iPad (or laptop) prior to clocking in at the start of our shifts. We were specifically told there is no reason we should be looking at anything other than where the first job is. It takes less than a minute to look at WorkAssure and get my first work location on my iPad. When I used a laptop, it took at most 5 minutes.

10.

I don't spend any time in the morning inventorying my van or trying to determine what equipment is needed for my assigned jobs throughout the day. I am constantly working in my van throughout the workday, so I have a good idea of what equipment is in my van. There is no need for me to conduct an inventory prior to the start of my shift. If it happens that I run out of equipment for a job, I can always call a lead technician or my supervisor, and he will bring out the equipment to me or direct me to meet another technician to get the equipment.

11.

As a general practice, I will look over my van each morning before I start driving. I do that just to make sure the van hasn't been damaged and the tires are still aired up. Depending on the weather, I may also have to clean off the windshield. This takes hardly any time and is something I would do anyway if I was driving my personal vehicle.

12.

We are allowed to use the Company van for minor personal errands if it is on our route. For example, I can stop at a convenience store on my way to my first job to pick up coffee without any problem.

13.

I time my commute in the morning so that I arrive at the customer location by the start of my shift at 8:00 a.m., at which time I will clock in. On the rare occasions when I am still driving to the customer location when my shift starts, I can clock in while en route.

14.

At the end of the day, I take my iPad, meter, wifi analyzer, cell phone and batteries in which me from the van. These items are not bulky and it only takes me a single trip to bring them in. My supervisor has told my team that there is no reason why we need to charge any of our equipment at our homes at night because there is a power adapter in the van.

15.

For the past 6 months or so, I have punched in and out for lunches. Prior to that, the Company had a system that would automatically deduct 30 minutes each workday for lunches. For the most part, I was able to take a full 30 minutes for my lunch. On occasions where I was unable to do so, however, I would simply tell my supervisor that I wasn't able to take my lunch and he would always go into the system and credit me back for the time I worked.

16.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 28 day of January, 2016 at Rochester, New York.


BRETT BELANGER

DECLARATION OF DONALD A. COCCIA

I, Donald. A. Coccia, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

In July, 1997, I began my employment with Time Warner Cable as a Field Technician in the Oneida, New York, location for the Company.

3.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

4.

I have participated in the work from home program since it began in the Oneida location. I am not required to participate in the program. I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. Then, each morning, on days when I did not first go to the office, I would drive directly from my home to the customer location where my first job was assigned. I choose to participate in the program because I believe it is a benefit to me, as I save personal fuel costs and wear and tear on my own vehicle.

5.

I work the 0800 to 4:30 shift. I typically log into WorkAssure at approximately 7:30 in the morning. While WorkAssure is loading my general routine is to get a cup of coffee or handle various other personal issues. Once WorkAssure is loaded, I look to see where my first job of the day is located and then commute to that job. I do not perform any other work activities prior to leaving my house.

6.

I clock in at the start of my shift. Typically, at that time I have arrived at my first job location of the day. However, even if I am still in route to that location, I am permitted and expected to clock in at the start of my shift.

7

I typically do not began reviewing emails of messages until after my first job of the day.

8.

I do not inventory my equipment before I leave for work in the morning. I generally know what equipment is on my truck, as I am the only one using this equipment. On that rare occasion that I do not have some piece of equipment that I need for my first job, my practice is to call another tech working in my area to find the equipment I need. Typically, I am able to get the equipment I need in no more than half an hour.

9.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

10.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 19th day of January, 2016 at Syracuse, New York.

A handwritten signature in black ink, appearing to read "Donald A. Coccia", written over a horizontal line.

Donald A. Coccia

DECLARATION OF ROGER COLLINS

I, Roger Collins, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

In approximately 1988, I became a Field Technician with a company called TCI. I held various positions with Adelphia and Time Warner Cable since that time and became Field Technician working out of the Company's Chicago Street office in Buffalo, NY in 2014. I have had just one supervisor since I started working as a Field Technician again in 2014.

3.

As a Field Technician, I have always recorded all the time that I have worked and been paid for it. I check my timecard each pay period and make sure there are no mistakes. On any occasions where I believe that all my time has not been recorded, I have just notified my supervisor by email and he has corrected my time to make sure I am paid for all time worked. As a Field Technician, the Company provided me with a laptop with a program on it called WorkAssure that I used to punch in and out for my shift and for my lunches. In approximately October 2015, the Company provided us with iPads with the same WorkAssure application on them.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

When I became a Field Technician again in 2014, I was offered the option to participate in a program where I was allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I have always participated in this program. Each morning, on days when I did not first go to the office (typically each day except Wednesdays for meetings), I would drive directly from my home to the customer location where my first job was assigned.

6.

I choose to take my vehicle home each night so that I can commute from my home to my first job of the morning without having to stop at the Company's facilities. I like to take the vehicle home with me each day because it saves me time at the beginning of each day and the end of the day (on days when I am in the field), it saves me money on gas, insurance, and wear and tear on my personal vehicle.

7.

As a Field Technician, I generally leave my house every day at 7:30 am and drive to the zone where I generally work. Once I am in that zone, I open the WorkAssure application to view the address of the first job location. Sometimes I do this in my driveway before I leave for the day. It generally takes about 30 seconds to open WorkAssure. Once I open WorkAssure I just look at the address of my first job so I know where to drive. All of my jobs are generally 10-12 minutes away from each other. I then drive to my first job and clock in at the beginning of my shift at 8 am. I followed the same procedure with my laptop. If I ever experienced significant problems getting into the laptop or iPad, I would notify my supervisor and he would make sure I got paid for the time I spent dealing with technical issues. When I look at WorkAssure, the only reason I do so is so that I can determine where I have to commute to for my first job. I do not plan my route for the day (WorkAssure does this).

8.

After leaving the house to get in my vehicle, I do not perform any inventory of my equipment or plan my route for the day. I am not aware of any policy requiring me to do any of these tasks before clocking in. Before I leave the house, I walk around the truck once to make sure I don't have a flat tire and that the truck has not been vandalized, which takes about 15 seconds. There is no paperwork required for this and I do the same thing with my own personal vehicle.

9.

On Wednesdays, which are my meeting days, we have time on the clock to restock our equipment. The only inventory I have ever had to perform of my equipment occurred on meeting my meeting days after I was clocked in. On those days, I would come to the Company's facilities clock in, attend my weekly meeting, and then pick up my equipment head out to my first job. On Thursdays, I have a half-hour built into my schedule to perform a complete safety inspection of my vehicle. Sometimes I do this on our meeting days while I am clocked in.

10.

I generally have all of the equipment I need on my truck. If there is any occasion where I don't have a piece of equipment, I can get some from the Company facility or call a Lead Technician or my supervisor to bring it to me in the field. The only time I have to get equipment from the Company's facility or otherwise, I am clocked in.

11.

If I need to get gas, I almost always do so on the clock using the "Truck Maintenance" status and purchase it with a Company gas card. I understand that the Company's policy is that I should always fuel up while I'm the clock.

12.

I do not make or receive any work-related phone calls or send, compose, or review any emails while I am not clocked in. I know that that the Company's policies strictly prohibit me from making or receiving work-related phone calls or sending or receiving any work-related emails while I am not clocked in.

14.

I always take at least a 30-minute lunch break each day (I take an hour for lunch each day) and currently I clock in and out for lunch. My supervisor has always emphasized to me and the other Field Technicians that we are required to take our lunches every day and not to do any work during lunch. If we feel that we do not have time for lunch, we are supposed to notify our dispatch so we can get help and take our lunches. Dispatch has always been very helpful and has always adjusted my schedule so I can take a lunch.

15.

At the end of the day, if I finish my last job before the end of my shift, I check with dispatch to make sure that there are no other jobs that I need to attend to before finishing my day or do online training until the end of my shift, at which point I clock out and drive home. If I finish my last job of the day after the end of my scheduled shift, I clock out and drive home. At night, when I arrive home, I bring in my iPad, phone my signal meter (DSAM). I generally secure the GPS device in my center console unless it very cold, in which case I bring it into my house. I am not required to bring in any equipment to my home other than my iPad and my DSAM. I can bring all of my equipment into the house in one trip while I am walking to the house. This process does not add any time to my day. The same is true in the morning when I bring the equipment back out to the truck.

16.

At night, I try to charge my equipment at home. I don't know of any policy requiring me to charge my equipment each night. I choose to do it because it is my preference. It takes less than a minute to plug in my equipment once I am at home and the same amount of time to unplug it in the morning. After I clock out each day, I shut down all my devices and don't do any job duties until I clock in the next day. We have always been instructed that we are strictly prohibited from performing any work-related activities while we are not clocked in.

17.

I believe I have been paid for all the time I have worked while employed with the Company, including overtime pay. I have never heard other Field Technicians complaining that the Company failed to pay them for all the time that they worked.

18.

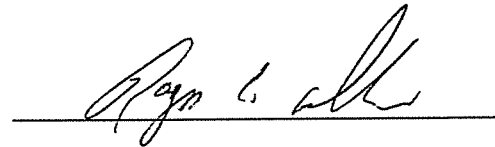
I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

19.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 21st day of January, 2016 at Buffalo, New York.

A handwritten signature in black ink, appearing to read "Roger Collins", is written over a horizontal line.

ROGER COLLINS

DECLARATION OF RYAN DRIESSLER

I, Ryan Driessler, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

In November 1999, I began my employment with Time Warner Cable as a Field Technician in the Rochester area.

3.

When I was hired by the Company, I received training concerning the Company's timekeeping procedures, including instructions on the procedures for accurately recording all of my hours of work. I was informed during training and by each of my supervisors thereafter that I was required to record all time worked.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

Since the Company first implemented it, I voluntarily participated in a program ("Start From Home") where I was allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. Then, each morning, on days when I did not first go to the office, I would drive directly from my home to the customer location where my first job was assigned.

6.

Participation in Start From Home is optional. I choose to participate in this program because I live in the zone where I work and there are numerous benefits associated with taking my Company van home. By taking my Company van home, I save money on gas, and I am able to avoid additional wear and tear on my own personal vehicle. However, there are a few individuals who work out of my office that do not participate in the Start From Home program.

7.

Each day before my shift begins, as part of my morning routine, I log on to WorkAssure around 7:30 a.m. to determine the location of my first job of the day. I do not log on to WorkAssure for any purpose other than to determine the location of my first job. I spend no more than a minute or two checking WorkAssure on my iPad each morning; I simply glance at the first job location. Before the Company issued iPads to Field Techs, we would log on to WorkAssure with our Company-issued laptops. Logging onto WorkAssure from our laptops would take no more than five minutes.

8.

I am not required to perform any inventory of the equipment in my van before I clock in for my shift, and I do not perform any inventory of the equipment in my van before I begin my shift. I generally know what is in my Company van because I am in it and working out of it five days a week.

9.

It is my belief that the Company's internal systems regarding equipment replenishment for Field Techs' vans is foolproof. At my weekly meetings each Wednesday, my personal locker is stocked with any equipment I may need for the week. The warehouse keeps track of what I use during the week, what I need during a typical week, and replenishes my locker accordingly.

10.

I rarely require additional equipment for my jobs, and my van is usually stocked with everything I need. It is the exception, not the rule, when I require additional equipment. If I do need a certain piece of equipment, I will call another Field Tech or stop by the office while I am on the clock to retrieve that piece of equipment.

11.

I clock in at the beginning of my shift each day. The majority of the time, I have already arrived at my first job location by the beginning of my shift when I punch in.

12.

When I return home at the end of each day, I remove my Company-issued meter and my Company-issued iPad from my Company van, along with any personal items I wish to bring into my home. This is the same as I would do if I drove my personal car home. I equate it to bringing my phone in at night.

13.

I do not receive any work-related calls from my supervisor or manager off the clock. In fact, I turn off my Company-issued cellphone when I get home at the end of every shift. I only use my phone during work hours. My supervisor has never called my personal telephone.

14.

Similarly, I do not read or respond to any emails when I am off the clock. I only read and respond to work emails during my shifts. The Company does not expect me to do anything otherwise.

15.

I do not perform safety checks of my Company van before my shift begins or after my shift ends. The Company will give me and other Field Techs time, often after our meetings, but always on the clock, to perform a monthly safety check for our Company van.

16.

I re-fuel my Company van while I am on the clock, typically towards the end of my shift. Because I live in my zone, I only have to re-fuel my van about once a week. I re-fuel my Company van when needed, just as I would my personal vehicle.

17.

I am not required to perform any post-shift reporting. At the end of my shift, all I have to do is punch out and close out of the WorkAssure application on my iPad. This is a matter of pressing a button.

18.

In my opinion, one of the perks of my job as a Field Tech is that I do not have to take any work home with me. Everything I do for the Company, I do during my shifts while on the clock.

20.

I feel like I have been paid for all of the time I have worked for the Company. I have not heard any complaints from other Field Techs about not getting paid for all time worked.

21.


I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

22.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 20th day of January, 2016 at Rochester, New York.



RYAN DRIESSLER

DECLARATION OF MICHAEL EDINGER

I, Michael Edinger, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I began working for Time Warner Cable as a Field Technician in June 2015. I work out of the Oswego, New York, location for the Company.

3.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

4.

I have participated in the work from home program since I was issued a company van. I am not required to participate in the program and I know other Techs who choose not to participate. I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. Then, each morning, on days when I did not first go to the office, I would drive directly from my home to the customer location where my first job was assigned.

5.

Tuesday through Friday I work the 10:00-6:30 shift, and on Saturdays I work the 8:00-4:30 shift. I typically log into WorkAssure shortly after I wake up and view my jobs for the day. This is how I know where my first job is located. More often than not, the jobs that I actually perform during the day are not all of the same jobs that are assigned to me at the start of the day. Jobs will often change for various reasons, such as other Techs getting ahead or behind, or customers' needs changing. Typically, my WorkAssure will load in 5-10 seconds on my iPad. On my Toughbook, it typically took approximately 1 minute to load. While my Toughbook was booting up I would generally get ready for work. Other than loading WorkAssure and viewing my jobs for the day, I do not typically perform other work activities before leaving my house.

6.

During training, our trainer instructed us that we were never to work off the clock. Our trainer told us that if we were performing work for the Company, we should be getting paid for

that time. I have never been asked to work off the clock and I do not have any complaints about off the clock work.

7.

My goal is to arrive at my first job at the start of my shift. However, even if I am still in route to that location, I am permitted and expected to clock in at the start of my shift. I have been generally instructed that I should allow about the same amount of commute time for my first as it would take me to drive to the TWC facility.

8.

I do not inventory my equipment before I leave for work in the morning. There have only been 1 or 2 occasions where I showed up for my first job and did not have equipment that I needed. On those occasions, they would rearrange jobs that had been assigned to me to allow me to get the equipment I needed. Typically, I am able to get the equipment I need in no more than half an hour to 45 minutes.

9.

When I fuel the Company van I do so while I am on the clock. I typically do this at the end of the day or some other during my shift when I can fit it in.

10.

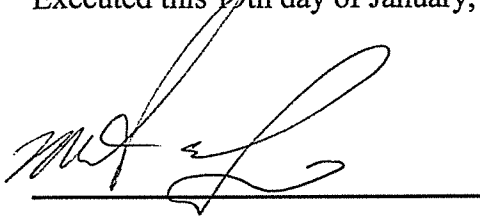
I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

11.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 19th day of January, 2016 at Syracuse, New York.

A handwritten signature in black ink, appearing to read 'Michael Edinger', is written over a horizontal line.

Michael Edinger

DECLARATION OF HEATH ELWELL

I, Heath Elwell, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I began working for Time Warner Cable as a Field Technician in approximately 1998 and worked in that position until approximately 2000. I then rejoined the Company as a Field Technician in 2005 and have worked in that position from then until the present. I work out of the Rochester, New York, location for the Company.

3.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

4.

I participate in the work from home program. I am not required to participate in the program if I do not want to. Instead, I have the option to commute to the Company facility in my personal vehicle and pick up my Company van there. As part of the work from home program, I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. Then, each morning, on days when I did not first go to the office, I would drive directly from my home to the customer location where my first job was assigned.

5.

I work the 0800-1630 shift. I typically log into WorkAssure shortly after I wake up, or sometimes right before I get in the van to begin my commute. This is how I know where my first job is located. It takes me approximately 1 minute or so to review my jobs for the day in WorkAssure, with my primary focus being on the first job of the day. It is common that the jobs that I actually perform during the day are not all of the same jobs that are assigned to me at the start of the day. Other than loading WorkAssure and viewing my jobs for the day, I do not typically perform other work activities before leaving my house.

6.

I clock in at the start of my shift (0800), even if I am not yet at my first job location, although I usually arrive at the first location by the start of my shift.

7.

I do not currently pre-call customers because the Company has implemented an automatic dialer to perform that function. Previously, when I did precall customers, I would do so when I arrived at the customer's house, after I had already clocked in for the day. Also, my routine is to review my emails when I get to my first job location, after I am on the clock.

8.

I do not inventory my equipment before I leave for work in the morning. There is no need for me to do so because I am the only one who uses my truck and the equipment on the truck, so I know what equipment I have on the truck.

9.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

10.

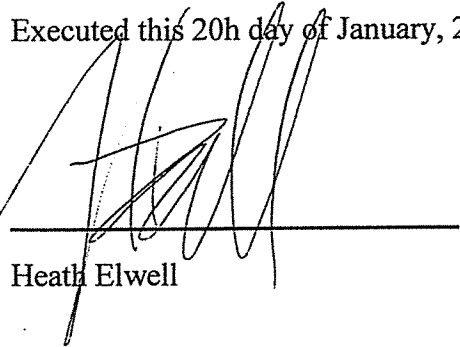
I am not required or expected to work off the clock, and I do not have any complaints about working off the clock.

11.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 20th day of January, 2016 at Rochester, New York.



Heath Elwell

DECLARATION OF JOHN GASTON

I, John Gaston, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have worked for Time Warner Cable in Troy, New York for approximately 2.5 years as a Field Technician.

3.

My supervisor has always stressed to me and my team that technicians must be clocked in anytime they are performing work for the Company. He has never pressured or asked me to do anything off the clock, including checking emails. I have also never received a call outside of my shift from a supervisor regarding my work duties, except when I was on-call. On those occasions, I clocked in when I received a call, and did not clock out until the work I received the call about was completed.

4.

As a Field Technician, my job duties primarily consisted of traveling to Time Warner Cable customer residences and installing, removing and repairing services. Throughout my employment, the Company has provided me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

I voluntarily participate in a program where I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I chose to take the van home because it is much more convenient for me to drive the van from my home rather than have to first come to the office to pick it up. Being able to drive the van home also saves me money on gas and wear and tear on my personal vehicle.

6.

My general practice is to open WorkAssure at my house on my work-issued iPad to see where my first customer location of the day is. Before we had iPads, I did this using my laptop. The only reason I looked at WorkAssure at home was to determine where I needed to drive that morning. The entire process of finding where I needed to drive was quick. When I was using a laptop, it never took more than 5 minutes, and I was often performing personal tasks while the

laptop was starting up, such as browsing the internet. Now that I am using the iPad, it takes even less time – a few seconds – to find out where I need to be that morning.

7.

I generally leave my house around 7:30 to head to my first job. Sometimes, I stop to get coffee on the way. I always clock in by the time my shift begins at 8:00.

8.

Other than determining where I need to be in the morning in WorkAssure, I don't spend any additional time analyzing my assigned jobs or taking an "inventory" of my van to make sure I have the equipment I need for the jobs. As a general matter, I make sure, during my shift, that I have all the equipment I need to perform my jobs, and because I'm working in my van throughout the day, I always have a good idea of my equipment levels. If I find that I don't have the equipment I need to finish a work order, whether it's my first job or sometime later in the day, I would simply call a lead or supervisor and ask them to make arrangements to get me the necessary equipment.

9.

I check the Company van each morning at home before I drive it simply to make sure it is safe to drive. This involves very basic things like making sure the windows are de-iced and defrosted. I look at this as a common-sense thing to do since I obviously do not want to drive a vehicle when it is not safe to do so. Further, these are precautions I would take (and do take) any time I drive my personal vehicle.

10.

I am allowed to use the Company van for minor personal errands if those tasks are along my route. I have used the van to pick up snacks, for example, and never had any issues.

11.

I have never pre-called a customer prior to the start of my shift. Generally, I will stop somewhere close to the customer location around the start of my shift, clock in, and then call the customer to let him or her know I will be there shortly. Now, I do not call customers at all prior to arriving at their location because that system is automated.

12.

At the end of the day after I have driven home and parked the van, I will take out my iPad, signal meter and cell phone. During the winter months, I will also take out a few tools that have batteries. I can take all of these items in with me from my van in a single trip.

13.

My Company van is equipped with a power adapter that allows me to charge my equipment throughout the day.

14.

From time to time, I have forgotten to clock in. On each occasion, consistent with Company policy, I notify my supervisor and he adds that time to WorkAssure for me.


15.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 26th day of January, 2016 at Rotterdam, New York.



JOHN GASTON

DECLARATION OF STEVE GRAHAM

I, Steve Graham, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have worked for Time Warner Cable as a Field Technician for over 1.5 years. I work out of the Middletown office. I work the 10:00 a.m. to 6:30 p.m. shift.

3.

I know that Company policy requires me to be clocked in any time I am working for the Company. My supervisors have never pressured me to work off the clock at any point in time. My supervisors have also never told me to check e-mails outside of my shift. I also never receive calls from my supervisors or leads outside of my shift. If I ever have any problems with my punches, I simply let me supervisor know and he will correct my punches to make sure I am paid for all of the time I worked.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. Throughout my employment, the Company has provided me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

I voluntarily participate in a program where I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I take the Company van home with me because it saves me gas and mileage on my personal vehicle.

6.

My team meets at the facility on Wednesday each week. On those days, I drive to the Middletown facility and clock in by my shift start at 10 a.m. After our meeting, I will reconcile and restock the equipment in my van. I can also use this time to clean out the van.

7.

I have used a Company-supplied iPad for approximately 4 months. Before the iPad, I used a Toughbook laptop. Technicians use various programs on those devices to perform their

job. One program, WorkAssure, allows me to see my work orders for the day, as well as status what I am doing for the day. I use my cell phone to call into "Teletime" to clock in and out.

8.

I normally look at WorkAssure around 8:45 a.m. at my house just to see where my first job of the day is. After seeing where my first job is, I will get ready for the day. When I was using the Toughbook, it took about 5 minutes to boot up the computer, connect to the network, open WorkAssure and view my first job location. The iPad is even quicker – it only takes about 2 minutes.

9.

I try to time when I actually leave the house so that I am at the first job location by the start of my shift. If I am still driving to the customer location at the start of my shift, I will pull over and clock in and then finish my drive.

10.

I look at WorkAssure in the morning prior to my shift simply to find out where I need to go. There is no need for me to investigate or analyze my assigned jobs prior to the start of my shift. Since I am working in my van throughout the day, I generally know what equipment I have stocked in the vehicle. I generally don't need to look through my van or conduct an inventory to determine if I have what I need to complete my assigned jobs.

11.

I don't spend any time in the morning inspecting my van prior to driving it. I simply get in the vehicle and start driving, except on days that I need to knock the snow off the roof or de-ice the windshield. Obviously, if I was driving a personal vehicle into to work, I would need to do the same thing.

12.

I am allowed to use the Company van for minor personal errands while on my way into work or back home from work.

13.

At the end of the day, I take in my iPad, meter and cell phone into the house with me. That takes no additional time because I can carry all of those things in with me in a single trip.

14.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 27 day of January, 2016 at Middletown, New York.

A handwritten signature in cursive script, reading "Steve J. Graham", written over a horizontal line.

STEVE GRAHAM

DECLARATION OF TRAVIS GAFFNEY

I, Travis Gaffney, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

In August 2013, I began my employment with Time Warner Cable as a Field Technician in East Syracuse. I have had the same supervisor, John Bertollini, since I began my employment with the Company.

3.

When I was hired by the Company, I received training concerning the Company's timekeeping procedures, including instructions on the procedures for accurately recording all of my hours of work. I was informed during training and by each of my supervisors thereafter that I was required to record all time worked.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

Since I began my employment with the Company, I voluntarily participated in a program where I was allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. Then, each morning, on days when I did not first go to the office, I would drive directly from my home to the customer location where my first job was assigned. The benefits of this program to me are substantial: it saves me time, money on gas, and wear and tear on my own vehicle.

6.

Each morning, roughly thirty to forty-five minutes before my shift begins, I log into WorkAssure to determine the location of my first job. I do not use WorkAssure for any purpose other than determining the location of my first assigned job before I punch in at the beginning of my shift. The process of logging into WorkAssure and determining the location of my first job takes about three minutes. This process is part of my morning routine. I equate it to checking

the weather report or the traffic report before leaving for the day; it takes no more or no less time.

7.

I do not, nor am I required to, assess what equipment I need for the day before I punch in for my shift. If I am on the clock and realize that I need a certain piece of equipment, I will reach out to another Field Tech for the equipment, or I will go into the office to pick up that equipment if I have time. I am never required to inventory the equipment in my Company van; this is a task for which the Company is responsible. Nevertheless, my van is restocked at my weekly meetings, and I generally have a sense about what equipment and supplies are in my van at all times.

8.

Categorically, I do not call my supervisors or receive calls from my supervisors when I am off the clock. Moreover, I do not read work-related emails when I am off the clock. If I receive a work-related email when I am off the clock, I will not read or respond to that email until the beginning of my next shift. Moreover, my supervisor does not expect me to read or respond to any emails off the clock. I consider my "off time" to be my time.

9.

Before I leave for my first job location before beginning my shift, I perform a very quick check of my Company van for the purpose of my own personal safety. Field Techs are not required to conduct a safety check before leaving for our first job; but I do so just as I would for my personal vehicle. I typically ensure that the van's ladders are secure, and I visually inspect the tires while in the process of getting into the van. This safety check lasts a matter of seconds.

10.

I re-fuel my Company van when I need to, just as I would my own personal vehicle. Sometimes I re-fuel while on the clock, while other times I re-fuel on the way to or from work. However, when I re-fuel on the way to or from work, this is incidental, as I would do the same if I were driving my personal vehicle. Moreover, it takes no more than five minutes to re-fuel my Company van.

11.

When I return home after each shift, I remove the same items from my Company van that I would remove from my personal car. These include any personal items and my iPad.

12.

I am not required to, nor do I, submit any reports, comments, or data to the Company after my shift concludes. When I clock out at the end of my shift, I am done for the day.

13.

I feel that I have been paid for all of the time I work.

14.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

15.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 19th day of January, 2016 at Syracuse, New York.



TRAVIS GAFFNEY

DECLARATION OF ANTHONY GOMEZ

I, Anthony Gomez, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have been with Time Warner Cable for 15 years and have worked as a Field Technician the entire time. I became a Lead Technician in Fall 2015. I have always worked out of the Company's Chicago Street office in Buffalo, NY. I have had four supervisors during my 15-year career with the Company.

3.

As a Field Technician, I have received training on proper timekeeping procedures and have always recorded all the time that I have worked and been paid for it. I check my timecard each pay period, make sure there are no mistakes, and approve my timecard. On any occasions where I believe that all my time has not been recorded, I just email my supervisor and I will not approve my timecard until he has corrected it to make sure I am paid for all time worked. I have never had a supervisor deny my request for a timecard adjustment. About 6-7 years ago, the Company provided me with a laptop with a program on it called WorkAssure that I used to punch in and out for my shift and for my lunches. Now, as a Lead Technician, I time stamp in and out for my shift and lunches using the Kronos application. In approximately October 2015, the Company provided us with iPads with the same WorkAssure application on them. I use both a laptop and an iPad as a Field Technician.

4.

As a Field Technician, my job duties primarily assisting other Field Technicians at Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

Approximately 6-7 years ago, I was offered the option to participate in a program where I was allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I have participated in this program since it started. Each morning, on days when I did not first go to the office (typically each day except Wednesdays for meetings), I would drive directly from my home to the customer location where my first job was assigned.

6.

I choose to take my vehicle home each night so that I can commute from my home to my first job of the morning without having to stop at the Company's facilities. I like to take the vehicle home with me each day because it saves me time at the beginning of each day and the end of the day (on days when I am in the field), it saves me money on gas, insurance, and wear and tear on my personal vehicle.

7.

As a Field Technician, I worked an 8 am to 4:30 pm shift. At approximately 7 am, I would turn on my laptop or iPad and eat breakfast with children, use the restroom, and get ready for work while the laptop or iPad was loading. It would only take under three minutes for the laptop to boot up and for WorkAssure to load and this process on the iPad takes less than two minutes. Once I opened WorkAssure, I would only view the address of the first job of the day (so I knew where to commute to my first job) and sometimes I looked at the notes for the first job to see what kind of job it was. This process took no more than 2-4 minutes. If I ever experienced significant problems getting into the laptop or iPad, I would notify my supervisor and he would make sure I got paid for the time I spent dealing with technical issues.

8.

As a Lead Technician, however, we have no work assigned to us on WorkAssure, so I drive my van to the Company's offices, boot up my laptop and iPad to clock in and log in to WorkAssure and start my work for the day.

9.

As a Field Technician and a Lead Technician, I would leave my house each day and walk around my vehicle once to make sure the truck was safe to drive. This takes about 30 seconds and requires no paperwork. I have never performed any inventory of my equipment, planned my route for the day (WorkAssure would do this anyway), or looked at the job details of all the jobs scheduled for the day. I am not aware of any policy requiring me to do any of these tasks before clocking in. In fact, I know that doing any of this would violate Company policy and is strictly prohibited.

10.

On Wednesdays, which are my meeting days, I have always had time on the clock to restock my equipment. The only inventory I have ever had to perform of my equipment occurred on meeting my meeting days after I was clocked in. On those days, I would come to the Company's facilities clock in, attend my weekly meeting, and then pick up my equipment head out to my first job.

11.

The only safety inspection I had to do as a Field Technician or a Lead Technician that required any paperwork were weekly or bi-weekly inspections that I performed on the clock, typically at end of my shift. I have always done these inspections while clocked in.

12.

I generally have all of the equipment I need on my truck. If there is any occasion where I don't have a piece of equipment, I can get some from the Company facility, call another Field Technician, call a Lead Technician, or call my supervisor to bring the equipment to me in the field. The only time I have to get equipment from the Company's facility or otherwise, I am clocked in. I have never had to pick up any equipment off the clock.

13.

If I need to get gas, I almost always do so on the clock using the "Truck Maintenance" status and purchase it with a Company gas card. I understand that the Company's policy is that I should always fuel up while I'm the clock.

14.

I do not make or receive any work-related phone calls or send, compose, or review any emails while I am not clocked in. I know that that the Company's policies strictly prohibit me from making or receiving work-related phone calls or sending or receiving any work-related emails while I am not clocked in.

15.

I always take at least a 30-minute lunch break each day (I take an hour for lunch each day) and currently I clock in and out for lunch. My supervisor has always emphasized to me and the other Field Technicians that we are required to take our lunches every day and not to do any work during lunch. If we feel that we do not have time for lunch, we are supposed to notify our supervisor so we can get help and take our lunches. My supervisors have always been very helpful and have always adjusted my schedule so I was able to take a lunch.

16.

As a Field Technician, at the end of the day, if I finish my last job before the end of my shift, I check with dispatch to make sure that there are no other jobs that I need to attend to before finishing my day, get gas, do online training, check and respond to emails or do my vehicle inspection until the end of my shift, at which point I would clock out and drive home. If I finish my last job of the day after the end of my scheduled shift, I clock out and drive home. At night, when I arrive home, I bring in my laptop, iPad, and my signal meter (DSAM). I can bring all of my equipment into the house in one trip while I am walking to the house. This process does not add any time to my day. The same is true in the morning when I bring the equipment back out to the truck.

17.

At night, generally do not charge my equipment at home. I don't know of any policy requiring me to charge my equipment each night. I might charge my cell phone at night if the battery is dead, but I do this because it is my preference. It takes less about 10 seconds to plug in my equipment once I am at home and the same amount of time to unplug it in the morning. After I clock out each day, I shut down all my devices and don't perform any job duties until I clock in the next day. We have always been instructed that we are strictly prohibited from performing any work-related activities while we are not clocked in.

18.

During my commute in the morning, I sometimes stop for coffee or something to eat. I know that I am permitted to make minor personal stops on my commute to and from work.

19.

I believe I have been paid for all the time I have worked while employed with the Company, including overtime pay. I have never heard other Field Technicians complaining that the Company failed to pay them for all the time that they worked.

20.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

21.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 21st day of January, 2016 at Buffalo, New York.



ANTHONY GOMEZ

DECLARATION OF DAVID GRANT

I, David Grant, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

In approximately 2007, I became a Field Technician with Time Warner Cable working out of the Company's Chicago Street office in Buffalo, NY. From 2009 to approximately 2014, I worked as a Tap Auditor and did not have responsibilities as a Field Technician. In approximately 2014, I returned to the Field Technician position out of the Chicago Street office. I have had the same supervisor since 2014.

3.

As a Field Technician, I have always recorded all the time that I have worked and been paid for it. I review and approve my timecard each pay period and make sure that I have been paid for all the time that I work. On any occasions where I believe that all my time has not been recorded, I have just notified my supervisor and he has corrected my time to make sure I am paid for all time worked. As a Field Technician, the Company provided me with a laptop with a program on it called WorkAssure that I used to punch in and out. In late-2015, the Company provided us with iPads with the same WorkAssure application on them.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

From 2007 to 2009, I did not take my vehicle home at night. When I became a Field Technician again in 2014, I was offered the option to participate in a program where I was allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I still participate in this program. Each morning, on days when I did not first go to the office (typically each day except Wednesdays for meetings), I would drive directly from my home to the customer location where my first job was assigned.

6.

I choose to take my vehicle home each night so that I can commute from my home to my first job of the morning without having to stop at the Company's facilities. When I go on vacation, however, I leave the vehicle at the Company's offices. I like to take the vehicle home with me each day because it saves me time at the beginning of each day and the end of the day (on days when I am in the field), it saves me money on gas, insurance, and wear and tear on my personal vehicle.

7.

Currently, to determine where my first job of the day is each day, I turn on my iPad and click on the WorkAssure application between 7:30 am and 7:45 am. This takes no more than a couple minutes. When I had a laptop, I would turn on the laptop and watch TV or get coffee while I was waiting for it boot up. Booting up the laptop and getting into WorkAssure generally took around five minutes. If I ever experienced significant problems getting into the laptop, I would notify my supervisor and he would make sure I got paid for the time I spent dealing with technical issues. On most occasions, I could get into WorkAssure and view the address the of the first job location of the day in less than 2-5 minutes. When I look at WorkAssure, the only reason I do so is so that I can determine where I have to commute to for my first job. I do not plan my route for the day (WorkAssure does this) or check the details of any of the jobs I have throughout the day.

8.

After leaving the house to get in my vehicle, I do not perform any inventory of my equipment, plan my route for the day, or look at the specific details my jobs. I am not aware of any policy requiring me to do any of these tasks before clocking in. Before I leave the house, I walk around the truck once to make sure I don't have a flat tire, which takes less than a minute. There is no paperwork required for this.

9.

The only inventory I have ever had to perform of my equipment occurred on meeting my meeting days once I was clocked in. On those days, I would come to the Company's facilities clock in, attend my weekly meeting, then reconcile my equipment or perform any required inventory before heading out to my first job. On Thursdays, I have a half-hour built into my schedule to perform a complete safety inspection of my vehicle. I fill out an online form for the inspection and I do this while I am clocked in.

10.

I generally have all of the equipment I need on my truck. If there is any occasion where I don't have a piece of equipment, I can get some from my locket at the facility or call a Lead Technician or my supervisor to bring it to me in the field. The only time I have to get equipment from the Company's facility or otherwise, I am clocked in.

11.

If I need to get gas, I do so on the clock using the "Truck Maintenance" status and purchase it with a Company gas card.

12.

After I leave my home to drive to the first job location of the day, I occasionally stop for coffee. I have never been disciplined for making minor personal stops during my commute. I am not aware of any policy prohibiting me from doing this.

13.

I do not make or receive any work-related phone calls while I am not clocked in. Very rarely, I might view an email before I clock in, but I know I am not required to do this and I don't report this to the Company. I know that I am not required to read or send emails when I am not clocked in.

14.

I generally take at least a 30-minute lunch break each day (I take an hour for lunch each day) and currently I clock in and out for lunch. We are instructed by our supervisors to take our lunches every day and not to do any work during lunch. If we feel that we do not have time for lunch, we are supposed to notify our supervisors or dispatch so we can get help and take our lunches.

15.

At the end of the day, if I finish my last job before the end of my shift, I check to make sure that there are no other jobs that I need to attend to before finishing my day or I do other tasks like training before clocking out. If I finish my last job of the day after the end of my scheduled shift, I clock out and drive home. At night, when I arrive home, I bring in my iPad, phone and my signal meter (DSAM). When it is very cold, I bring in the GPS device. I am not required to bring in any equipment to my home other than my iPad and my DSAM. I can bring all of my equipment into the house in one trip while I am walking to the house. This process does not add any time to my day. The same is true in the morning when I bring the equipment back out to the truck.

16.

I usually charge my phone and iPad in the truck while I'm working each day. I do not charge my equipment at home unless I notice that it is almost completely out of battery. This is rare and I don't know of any policy requiring me to charge my equipment each night. After I clock out each day, I shut down all my devices and don't do any job duties until I clock in the next day.

17.

I believe I have been paid for all the time I have worked while employed with the Company, including overtime pay. I have never heard other Field Technicians complaining that the Company failed to pay them for all the time that they worked.

18.

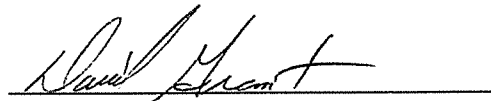
I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

19.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 21st day of January, 2016 at Buffalo, New York.

A handwritten signature in black ink, appearing to read "David Grant", is written over a horizontal line.

DAVID GRANT

DECLARATION OF DON HART

I, Don Hart, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have been with Time Warner Cable for 15 years and have worked as a Field Technician the entire time. I became a Lead Technician in approximately June 2014. I have worked out of the Company's Lancaster, West Seneca, East Aurora, Angola and Chicago Street locations. I have had eleven supervisors during my 15-year career with the Company.

3.

As a Field Technician, I have received training on proper timekeeping procedures and have always recorded all the time that I have worked and been paid for it. I review and approve my timecard each pay period to make sure there are no mistakes and that I get paid for all the time I have worked. On any occasions where I believe that all my time has not been recorded, I just email my supervisor and he will make a historical edit to my timecard to make sure I get paid for all time I have worked. I have never had a supervisor deny my request for a timecard adjustment. Around 2008-2009, the Company provided me with a laptop with a program on it called WorkAssure that I used to punch in and out for my shift and to record my lunch breaks. In approximately 2015, the Company provided us with iPads with the same WorkAssure application on them. I use both a laptop and an iPad as a Lead Technician.

4.

As a Lead Technician, I am primarily responsible for assisting other Field Technicians at Time Warner Cable customer residences and installing, removing and repairing services. To perform those duties, the Company provides me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

In around 2008-2009, I was offered the option to participate in a program where I was allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I have participated in this program since it started. I know Field Technicians that choose not to take their vehicles home. Each morning, on days when I did not first go to the office (typically each day except Wednesdays for meetings), I would drive directly from my home to the customer location where my first job was assigned.

6.

I choose to take my vehicle home each night so that I can commute from my home to my first job of the morning without having to stop at the Company's facilities. I like to take the vehicle home with me each day because it saves me time at the beginning of each day and the end of the day (on days when I am in the field), it saves me money on gas, insurance, and wear and tear on my personal vehicle.

7.

As a Field Technician, I worked an 8 am to 4:30 pm shift. At approximately 7:45 am, I would turn on my laptop or iPad and load WorkAssure just before I leave my house. This process would only take me about one minute on my laptop (and less than that with the iPad). The only reason I would need to look at WorkAssure before heading out of my house was so that I knew the address of the first job location of the day and so that I knew what kind of a job it was (for example, an install or a trouble call). Looking at the address and the job type in WorkAssure takes less than 10 seconds. If I ever experienced significant problems getting into the laptop or iPad, I would notify a Lead Technician, my supervisor, or dispatch and they would make sure I knew where to go for the first job and make sure I got paid for the time I spent dealing with technical issues.

8.

As a Lead Technician, I generally have no work assigned to me on WorkAssure, so I drive my van to a parking lot in my zone (I live in my work zone), boot up my laptop and iPad to clock in and log in to WorkAssure and start my work for the day.

9.

As a Field Technician and a Lead Technician, the only vehicle inspections I perform are every other week. I do this when I'm clocked in using an online form. When I leave my house each day, if I notice a flat or another unsafe condition, I will not drive the vehicle, but I do not perform any daily safety inspections that take more than a couple of seconds. I have never performed any inventory of my equipment, planned my route for the day (WorkAssure would do this anyway), or looked at the job details of all the jobs scheduled for the day. I am not aware of any policy requiring me to do any of these tasks before clocking in. In fact, I know that doing any of this would violate Company policy and is strictly prohibited.

10.

On Wednesdays, which are my meeting days, I have always had time on the clock to restock my equipment. The only inventory I have ever had to perform of my equipment occurred on meeting my meeting days after I was clocked in. On those days, I would come to the Company's facilities clock in, attend my weekly meeting, and then pick up my equipment head out to my first job.

11.

I generally have all of the equipment I need on my truck. If there is any occasion where I don't have a piece of equipment, I can get some from the Company facility, call another Field Technician, call a Lead Technician, or call my supervisor to bring the equipment to me in the field. The only time I have to get equipment from the Company's facility or otherwise, I am clocked in. I have never had to pick up any equipment off the clock.

12.

If I need to get gas, I almost always do so on the clock using the "Truck Maintenance" status and purchase it with a Company gas card. I understand that the Company's policy is that I should always fuel up while I'm the clock.

13.

I do not make or receive any work-related phone calls or send, compose, or review any emails while I am not clocked in. Generally, I don't even turn on my phone until after I clock in at 8 am and I have never looked at emails before I am clocked in. I know that that the Company's policies strictly prohibit me from making or receiving work-related phone calls or sending or receiving any work-related emails while I am not clocked in.

14.

I always take at least a 30-minute lunch break each day (I used to have an hour for lunch) and currently I clock in and out for lunch. My supervisor has always emphasized to me and the other Field Technicians that we are required to take our lunches every day and not to do any work during lunch. If I take a call or respond to a work-related email during lunch, I just extend my lunch period so I can take a full 30-minute lunch break. If we feel that we do not have time for lunch, we are supposed to notify our supervisor so we can get help and take our lunches. My supervisors have always been very helpful and I have never had to work through my lunch.

15.

As a Field Technician, at the end of the day, if I finish my last job before the end of my shift, I would status myself as available, assist another Field Technician who might need help, get gas, do online training, check and respond to emails or do my vehicle inspection until the end of my shift, at which point I would clock out and drive home. If I finish my last job of the day after the end of my scheduled shift, I clock out and drive home. At night, when I arrive home, I bring in my laptop and iPad. If it is extremely cold, I will bring in my signal meter (DSAM). I leave my phone in the Company vehicle. I can bring all of my equipment into the house in one trip while I am walking to the house. This process does not add any time to my day. The same is true in the morning when I bring the equipment back out to the truck.

16.

At night, I do not charge my equipment at home. Everything gets charged in the Company vehicle throughout the day and is fully charged when I arrived home. I don't know of

any policy requiring me to charge my equipment each night. After I clock out each day, I shut down all my devices and don't perform any job duties until I clock in the next day. We have always been instructed that we are strictly prohibited from performing any work-related activities while we are not clocked in.

17.

During my commute home, I sometimes stop for a gallon of milk or another small grocery item. I know that I am permitted to make minor personal stops on my commute to and from work.

18.

I believe I have been paid for all the time I have worked while employed with the Company, including overtime pay. I have never heard other Field Technicians complaining that the Company failed to pay them for all the time that they worked.

19.

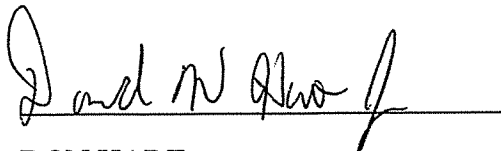
I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

20.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 21st day of January, 2016 at Buffalo, New York.

A handwritten signature in black ink, appearing to read "Don Hart", is written over a horizontal line.

DON HART

DECLARATION OF JASON HEALY

I, Jason Healy, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have worked for Time Warner Cable as a Field Technician for approximately 2 years out of the Middletown office. I generally work the 10:00 a.m. to 6:30 p.m. shift.

3.

All of my supervisors during my employment have stressed to me and my fellow Field Technicians that we need to be on the clock any time we are performing work for the Company. They have never pressured or requested me to do any sort of work off the clock, including checking emails. I have never received a phone call from a supervisor while off the clock wherein the supervisor asked me to perform any type of work-related task.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. Throughout my employment, the Company has provided me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

I voluntarily participate in a program where I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I choose to take the van because it is more convenient for me to go directly from my house to the first customer location rather than have to drive into the office each day.

6.

On Wednesday, we have a meeting day at the facility. On meeting days, in addition to participating in a meeting, I will also restock and clean my van.

7.

Until approximately 6-8 months ago, I used a Company-supplied laptop. Presently, I use a Company-supplied iPad. I use those devices to access various programs for my job, including WorkAssure, a program that provides me with the work orders I am assigned throughout the workday.

8.

On workdays, I will open up WorkAssure at my house for the sole purpose of finding out where my first job of the day is. Once I find out where my first job is, I will finish my preparations to leave for the day. When I was using the laptop, it took five or less minutes to load up WorkAssure and find out about my first job. Now that I am using the iPad, it takes less than a couple minutes to find out about my first job. Typically, while I am loading and figuring out where my first job is, I will also perform personal tasks, such as eating breakfast or brushing my teeth.

9.

I generally leave my apartment 10 minutes before my shift begins to head to my first job, but I always clock in by the beginning of my shift. If I am still driving to the customer location at the start of my shift, I will pull over and clock in and then finish my drive.

10.

Other than determining my first job in WorkAssure, I don't spend any additional time analyzing my assigned jobs or taking an "inventory" of my van to make sure I have the equipment I need for the jobs. As a general matter, I make sure, during my shift, that I have all the equipment I need to perform my jobs, and because I'm working in my van throughout the day, I always have a good idea of my equipment levels. If I find that I don't have the equipment I need to finish a work order, whether it's my first job or sometime later in the day, I would simply call a lead or supervisor and ask them to make arrangements to get me the necessary equipment.

11.

I check the Company van each morning at home before I drive it simply to make sure it is safe to drive. This involves very basic things like making sure the windows are de-iced and defrosted. This is a common-sense thing to do since I obviously do not want to drive a vehicle when it is not safe to do so. Further, these are precautions I would take (and do take) any time I drive my personal vehicle.

12.

I do not pre-call customers prior to the start of my shift.

13.

At the end of the day after I have driven home and parked the van, I will take out my iPad, signal meter and cell phone. During the winter months, I will also take out a few tools that have batteries. I can take all of these items in with me from my van in a single trip.

14.

My Company van is equipped with a power adapter that allows me to charge my equipment throughout the day.

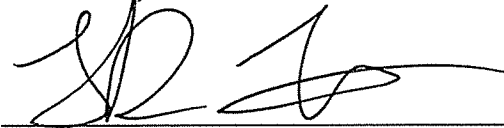
15.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 27th day of January, 2016 at Middletown, New York.

A handwritten signature in black ink, appearing to read 'J. Healy', is written over a horizontal line.

JASON HEALY

DECLARATION OF DANIEL JOHNSON

I, Daniel Johnson, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have worked for Time Warner Cable as a Field Technician for more than one year, out of the Middletown office. I generally work the 10:00 a.m. to 6:30 p.m. shift.

3.

All of my supervisors during my employment have stressed to me and my fellow Field Technicians that we need to be on the clock any time we are performing work for the Company. They have never pressured or asked me to do any sort of work off the clock, including checking emails.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. Throughout my employment, the Company has provided me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

I voluntarily participate in a program where I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I choose to take the van because it is more convenient for me to go directly from my house to the first customer location rather than have to drive into the office each day.

6.

On Wednesday, we have a meeting day at the facility. On meeting days, in addition to participating in a meeting, I will also restock and clean my van.

7.

Until approximately 6-8 months ago, I used a Company-supplied laptop. Presently, I use a Company-supplied iPad. I use those devices to access various programs for my job, including WorkAssure, a program that provides me with the work orders I am assigned throughout the workday.

8.

On the weekly meeting day, I will normally drive directly to the office without checking my job assignments on WorkAssure. On that day, I wait to check my job assignments until I arrive at the Company facility for meetings.

9.

On non-meeting days, I will open up WorkAssure at my house for the sole purpose of finding out where my first job of the day is. This is something my supervisors have stressed to me – that the only thing we should be doing at home prior to our shifts is to use the program to find out where we need to go. Once I find out where my first job is, I will finish my preparations to leave for the day. When I was using the laptop, it generally took less than ten minutes to load up WorkAssure and find out my first job, during which time I was also performing personal tasks such as watching TV or browsing the internet. Now that I am using the iPad, it takes even less time – ten to fifteen seconds – to find out what my first job is.

10.

I always clock in at or before the beginning of my shift. If I am still driving to the customer location at the start of my shift, I will pull over and clock in and then finish my drive.

11.

Other than determining my first job in WorkAssure, I don't spend any additional time analyzing my assigned jobs or taking an "inventory" of my van to make sure I have the equipment I need for the jobs. As a general matter, I make sure, during my shift, that I have all the equipment I need to perform my jobs, and because I'm working in my van throughout the day, I always have a good idea of my equipment levels. If I find that I don't have the equipment I need to finish a work order, whether it's my first job or sometime later in the day, I would simply call a lead or supervisor and ask them to make arrangements to get me the necessary equipment.

12.

I check the Company van each morning at home before I drive it simply to make sure it is safe to drive. This involves very basic things like making sure the windows are de-iced and defrosted. I look at this as a common-sense thing to do since I obviously do not want to drive a vehicle when it is not safe to do so. Further, these are precautions I would take (and do take) any time I drive my personal vehicle.

13.

I am allowed to use the Company van for minor personal errands if those tasks are along my route. I have used the van to pick up coffee, for example, and never had any issues.

14.

At the end of the day after I have driven home and parked the van, I will take out my iPad, signal meter and cell phone. During the winter months, I will also take out a few tools that have batteries. I can take all of these items in with me from my van in a single trip.

15.

My Company van is equipped with a power adapter that allows me to charge my equipment throughout the day.

16.

I understand that I am not required to provide the testimony in this declaration. I further understand that it would be a violation of the Company's policy for anyone to retaliate against me for providing or refusing to provide the testimony in this declaration. I have agreed to notify the Company immediately if I ever believe I am being subjected to any retaliation in violation of the Company's policies.

I have provided this declaration voluntarily without any promise of benefit or threat of any kind. Prior to signing this declaration, I was advised of my right to seek independent legal advice, and was provided with a full opportunity to carefully review this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

PURSUANT TO 28 U.S.C. § 1746, I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed this 27th day of January, 2016 at Middletown, New York.

A handwritten signature in black ink, appearing to read 'Daniel Johnson', is written over a horizontal line.

DANIEL JOHNSON

DECLARATION OF CHRIS KORBEL

I, Chris Korbel, do hereby declare as follows, based upon my personal knowledge of the matters contained herein:

1.

I am over 18 years of age and competent to testify to the matters stated in this declaration. I make this declaration based upon my personal knowledge. This declaration is given voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2.

I have worked for Time Warner Cable as a Field Technician for approximately 10 years. Prior to that, I worked for a predecessor, Adelphia. I have worked out of the West Seneca and East Aurora offices, but currently work out of the Lancaster office. I work the 8:00 a.m. to 4:30 p.m. shift.

3.

All of my supervisors during my employment, including Ann Crowley, have stress to me and my fellow Field Technicians that we need to be on the clock any time we are performing work for the Company. They have never pressured me to do any sort of work off the clock. In particular, my supervisors have told me and other technicians on my team that we should not be checking emails while we are off the clock. I have also never received a call outside of my shift from a supervisor, lead or other technician regarding my work duties. No supervisor has ever pressured me or told me to check my emails outside of my shift.

4.

As a Field Technician, my job duties primarily consist of traveling to Time Warner Cable customer residences and installing, removing and repairing services. Throughout my employment, the Company has provided me with a van that is stocked with all necessary equipment, such as wiring, connectors, cable boxes, and modems.

5.

I voluntarily participate in a program where I am allowed to take a Company van to my home at the end of each day instead of parking it at a Company facility. I choose to take the van because it is more convenient for me to go directly from my house to the first customer location rather than have to drive into the office each day.

6.

On Wednesday, we have a meeting day at the facility. On meeting days, in addition to participating in a meeting, I will also restock my van. If time allows, I would also use that time to clean out my van.